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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,180	12/20/2000	Vincenzo D'Acchioli	CM1987QVB	8836

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THE PROCTER & GAMBLE COMPANY
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EXAMINER

ANDERSON, CATHARINE L

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/720,180

Applicant(s)

D'ACCHIOLI ET AL.

Examiner

C. Lynne Anderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneider et al. (5,417,677).

Schneider discloses a flexible bag 10, as shown in figure 2, comprising an inner lining 11 and 12, an aperture 20, and a flange 21 surrounding the aperture 20. The flange 21 has a wearer facing portion and a garment facing portion, the wearer facing portion comprising a layer of adhesive 22. The flange 21 is provided with at least one non-adhesive lobe 21a, as shown in figure 2. The flexible bag 10 further comprises an absorbent material 25 disposed on the inner lining 11 and 12, as shown in figure 5, and described in column 5, lines 47-54. The flexible bag 10 is fully capable of being attached to the uro-genital area of a wearer to collect urine.

With respect to claim 2, the flange 21 comprises at least two non-adhesive lobes, as disclosed in column 4, lines 46-50.

With respect to claim 3, the flange 21 comprises one lobe 21a positioned at the upward end of the flange 21, as shown in figure 1.

With respect to claim 4, the non-adhesive lobe 21a is located about the longitudinal axis of symmetry of the flexible bag 10, as shown in figure 1.

With respect to claim 5, a release means 23 covers the layer of adhesive 22 and the non-adhesive lobe 21a, as shown in figure 2.

With respect to claim 7,

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. (5,417,677).

With respect to claim 7, Schneider discloses all aspects of the claimed invention, but remains silent as to the placement of the flexible bag 10. Schneider discloses grasping the flexible bag 10 by the non-adhesive lobes 21a, as described in column 4, lines 46-51. The flexible bag 10 may then be attached to the skin of a wearer, as described in column 4, lines 60-64. It would be obvious to one of ordinary skill in the art at the time of invention to attach the flexible bag 10 to the uro-genital area of the wearer in order to collect urine.

With respect to claim 8, it is well-known in the art to remove the release means 23 by holding the non-adhesive lobe 21a in one hand and the pull tab 23a of the release means 23 in the other.

With respect to claim 9, Schneider discloses grasping the non-adhesive lobes 21a to remove the flexible bag 10, as described in column 4, lines 51-52. It is well-

known in the art to exercise forces directed away from the wearer to remove an adhesively attached device from the wearer.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. (5,417,677) as applied to claim 1 above, and further in view of Allen, Jr. et al. (4,561,858).

Schneider discloses all aspects of the claimed invention with the exception of the release means extending beyond the edges of the flange. Allen, Jr. discloses a bag for collecting body fluids, as shown in figure 3, comprising an aperture 14 and a flange 26. The flange 26 is tacky so it may adhere to the skin of the wearer, as disclosed in column 4, lines 25-34. The adhesive flange 26 is covered with a release means 28, which extends beyond the edges of the flange 26 to protect the flange 26 from dust prior to use. The free edges of the release means 28 provide a convenient place for gripping the release means 28 in order to remove it from the flange 26, as disclosed in column 4, lines 39-45.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to extend the release means of Schneider beyond the edge of the flange in order to provide a free edge of the release means that may be more easily gripped while removing the release means from the flange, as taught by Allen, Jr.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (703) 308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

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CWA

cla

November 20, 2002



DENNIS RUHL
PRIMARY EXAMINER